



**PLANNING COMMISSION  
REGULAR MEETING AGENDA**

May 4, 2017

7:00 p.m.

- 1) Call to Order** – Chairman Theresa Stein
- 2) Pledge of Allegiance**
- 3) Agenda Amendments** (Planning Commission and Staff)
- 4) Commissioner Disclosures**
- 5) Public Hearings**
  - a) None Scheduled
- 6) Presentations**
  - a) None Scheduled
- 7) Discussion Items**
  - a) Comprehensive Plan Update Status & Prioritization of Work Items *\*MATERIALS TO BE PROVIDED IN SUPPLEMENTAL AGENDA\**
- 8) Action Items**
  - a) OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District  
*Note: Any Discussion Item may be added as an Action Item during the meeting by motion of the Planning Commission.*
- 9) Information Items**
  - a) Status of Priority Work Items
- 10) Citizen Comments** – All citizens who wish to speak about an item or issue that is not listed for a public hearing will be given an opportunity to speak (3 minute limit per speaker).
- 11) Council Representative's Report**
- 12) Chairman's Comments**
- 13) Planning Commissioners' Comments**
- 14) Approval of Minutes**
  - a) March 16, 2017 Regular Meeting
- 15) Adjournment**

If you require any type of reasonable accommodation as a result of physical, sensory or mental disability in order to participate in this meeting OR if you would like an expanded copy of this agenda, please contact the Department of Community Development at (540) 338-2304 at least three days in advance of the meeting. Expanded copies of the agenda may not be available the night of the meeting, please request a copy in advance.

USE OF ELECTRONIC DEVICES DURING MEETINGS For the comfort and consideration of others, all cellular phones must be turned off and cannot be used in the Council Chambers. Pagers must be set on silent or vibrate mode. This is requested because of potential interference with our recording devices and the transmittal of our hearing impaired broadcast.



**STAFF REPORT**  
**ACTION ITEM**

Item # 8a

**SUBJECT:** OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District

**DATE OF MEETING:** May 4, 2017

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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**SUMMARY and RECOMMENDATIONS:**

On October 11, 2016, Town Council approved Resolution 16-10-02 (Attachment 1) initiating a number of Zoning Ordinance text amendments and referring them to the Planning Commission to be considered and acted upon. Included among these were amendments to the height standards of the C-4 (Central Commercial) Zoning District (coded as OA16-05), and the Planning Commission approved a draft amendment reducing the maximum building heights allowed in the C-4 Zoning District (Attachment 2) on March 16<sup>th</sup> to move forward to a public hearing. The public hearing before the Planning Commission on OA16-05 was held on April 20, 2017. Staff recommends approval of OA16-05 with two modifications:

1. Maintain the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet (instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district), and
2. Do not add the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

**BACKGROUND:**

Resolution 16-10-02, approved by Town Council on October 11, 2016, initiated the following Zoning Ordinance text amendments (as stated in the Resolution):

- a. Tree Planting, Tree Preservation, Landscape, and Stream & Creek Buffer Amendments to Article 7 and Article 14
- b. C-4 District Height Standard Amendments to Article 4, Section 9.8
- c. Civil Financial Penalties Amendments to Article 11, Section 17

Since the beginning of 2017, Planning Commissioner Chip Paciulli has spearheaded work on the OA16-05 amendment regarding the height standards of the C-4 (Central Commercial) zoning district. Commissioner Paciulli discussed this item with the Board of Architectural Review (BAR) at its January 17<sup>th</sup> meeting, and two members of the BAR agreed to meet with him to discuss the matter further. Commissioner Paciulli then met with these BAR members to discuss this issue on February 2<sup>nd</sup>, and the general recommendation resulting from this meeting was to amend the C-4 height standards to revert to the regulatory language in use prior to an amendment approved in 2008 as part of Ordinance 08-08-03.

The proposal that Commissioner Paciulli presented at the Planning Commission's March 16<sup>th</sup> meeting included ordinance language from a 1991 printing of the Zoning Ordinance, but he recommended retaining the current maximum height of 35 feet for buildings within 200 feet of any residential district because 35 feet is the maximum height allowed in those districts. The Commission instead recommended a maximum height of 30 feet and two stories as shown in the 1991 printing because it preferred the simplicity of being able to describe the effects of the amendment as restoring all of the regulations that were in place prior to the most recent amendment to the height standards. The redline draft attached to this staff report (Attachment 2) was prepared by Planning Commission Chairman Theresa Stein per the results of the Planning Commission's discussion.

Resolution 16-10-02 also directed the Planning Commission to present its recommendations to the Town Council prior to holding a public hearing and to take any comments from Town Council into consideration, so the draft OA16-05 amendment was presented for Council's review on March 28<sup>th</sup>. Council spoke positively of OA16-05 in general although Councilmember McCollum questioned whether the amendment would cause either of the old mill buildings to become nonconforming.

#### **ANALYSIS:**

Town Staff has not been heavily involved in the preparation of this amendment to this point, so Staff only began to analyze the potential effects of the various text changes proposed after the Planning Commission moved the current draft forward to public hearing. Staff's analysis has noted the following issues.

1. When OA16-05 was initially discussed by the Planning Commission, the Commission expressed a preference to simply restore all of the regulations that were in place prior to the approval of Ordinance 08-08-03. However, Staff's research has found that the 1991 ordinance language presented to the Commission at that time differed slightly from the

language that was in effect just prior to the approval of the most recent amendment. As shown in the excerpt of Ordinance 08-08-03 attached to this staff report (Attachment 3), buildings located within 200 feet of any residential district could not exceed 32 feet in height while the currently proposed amendment would reduce the height of such buildings to 30 feet from the current limitation of 35 feet.

2. As Staff noted during the Planning Commission’s initial discussion of OA16-05, Staff does not understand the rationale for limiting “business buildings” within a certain distance of residential zoning districts to a stricter height standard than allowed by those districts. As currently proposed, this provision of OA16-05 would seem to penalize commercial buildings and properties in the C-4 district when compared to the rights granted to residential properties in adjoining residential zoning districts or even residential buildings in the C-4 district which could still be constructed to 45 feet in height. Therefore, it is unclear what underlying issue this provision is attempting to address by restricting these “business buildings” to lower heights. The following table displays the general maximum height allowed in the Town’s residential zoning districts.

<b>Zoning District</b>	<b>Max. Height in Feet</b>	<b>Max. Height in Stories</b>
R-2	35	2 ½
R-3	35	2 ½
R-3A	35	None
R-8	35	2 ½
R-15	35	2 ½
PDH	Varies	Varies

Because of this, Staff recommends allowing buildings within a certain distance of residential zoning districts to be limited to a maximum of 35 feet in height as allowed in those districts. In general, Staff does not recommend limiting the height of buildings based on the number of stories, but if the Commission desires to do so, then Staff would recommend a limitation of 2 ½ stories in addition to the 35 feet limitation as that would be on par with the majority of the Town’s residential zoning districts. Staff believes that these numbers are more defensible than those currently proposed by the amendment.

3. Utilizing the Town’s geographic information system, Staff has created a map displaying the current 50 foot buffer from residential districts within which building heights would be further limited in C-4 as well as the proposed 200 foot buffer (Attachment 4). This map provides context on which buildings and properties that are not currently subject to this additional restriction on building heights would become subject under the proposed

amendment. Staff has used this information to determine that one or more properties would become nonconforming under the proposed amendment (see #5 below).

4. Staff has examined whether the proposed amendment would result in any nonconformities for buildings that have been built or received site plan approval since 2008 under the C-4 district's current height standards. Director of Community Development Patrick Sullivan researched this issue and found that Vineyard Square is the only proposed building that has received approval under the current height regulations which would become nonconforming (assuming that it gets built within the next 5 years) if the maximum height is lowered as proposed by this amendment.
5. Staff has also researched the effects that the proposed amendment would have on existing buildings and has found that it would make at least one building nonconforming. The historic portion of the Adams Mill building at 201 North 23<sup>rd</sup> Street is four stories tall, and Commissioner Stinnette has measured its height as approximately 42.66 feet. OA16-05's proposed modification to the general maximum height standard to add a height limitation of three stories (in addition to the current standard of 45 feet) would make this portion of the building nonconforming. Furthermore, this portion of the building would also be located within 200 feet of a residential district where the proposed amendment would limit the maximum height to 2 stories and 30 feet, so the building would become nonconforming under this provision as well. It is also possible that the buildings at 170 West Main Street and 142-144 East Main Street would become nonconforming. Site plan TP02-23 notes the height of the original portion of the 170 West Main Street building closest to Main Street as 30 feet and 2 ½ stories. Being within 50 feet of a residential district, the building would meet the current height standard of 35 feet as well as the proposed height limitation of 30 feet, but it would not meet the proposed 2 story limitation. The building at 142-144 East Main Street is not located within 50 feet of a residential district but is located within 200 feet, so it would become subject to the proposed 30 feet and 2 story height limitation. While the Town does not appear to have a document stating the height of this building in feet, the nomination form submitted by the Town of Purcellville to create the Purcellville Historic District listed on the National Register of Historic Places noted the building's height as 2 ½ stories.

Building off of the recommendation stated above in #2 and in order to avoid these potential nonconformities, Staff recommends: (1) maintaining the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet, and (2) not adding the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

**FINDINGS:**

1. Resolution 16-10-02 expressed a desire by Town Council to amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions, and OA16-05 would achieve this desire.
2. Maintaining the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet (instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district) and not adding the proposed additional three story limitation to the existing standard which limits the general maximum height to 45 feet will avoid making existing buildings nonconforming.
3. Adopting OA16-05 to reduce maximum building heights in the C-4 Zoning District will serve the public necessity, convenience, and general welfare.

**MOTIONS:**

***Approval with Changes – RECOMMENDED***

For the reasons stated in the staff report dated May 4, 2017, I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve, OA16-05 reducing the maximum building heights in the C-4 Zoning District with the following changes:

1. Maintain the portion of the current regulations which require buildings within 50 feet of a residential district to be limited to a maximum height of 35 feet instead of the proposed maximum height of 30 feet and 2 stories for buildings within 200 feet of a residential district, and
2. Do not add the additional three story limitation to the existing standard which limits the general maximum height to 45 feet.

-OR-

***Approval as Presented***

I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to approve for the following reasons, OA16-05 reducing the maximum building heights in the C-4 Zoning District:

- 1.
- 2.
- 3.

-OR-

***Disapproval***

I move that the Purcellville Planning Commission forward to Town Council, with a recommendation to disapprove for the following reasons, OA16-05 reducing the maximum building heights in the C-4 Zoning District:

- 1.
- 2.
- 3.

**ATTACHMENTS:**

1. Resolution 16-10-02
2. Proposed C-4 Height Standards for Planning Commission Public Hearing
3. Excerpt of Ordinance 08-08-03
4. Map of Current and Proposed Residential Buffer Regarding C-4 Building Heights



Mayor

Kwasi A. Fraser

Council

Chris Bledsoe

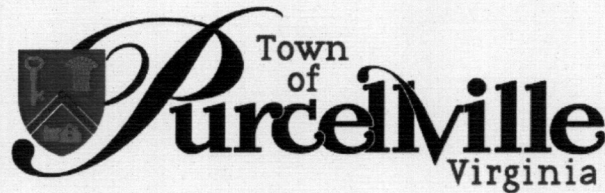
Ryan J. Cool

Kelli Grim

Karen Jimmerson

Douglass J. McCollum

Nedim Ogelman



Town Manager

Robert W. Lohr, Jr.

Assistant Town Manager

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**TOWN OF PURCELLVILLE  
IN  
LOUDOUN COUNTY, VIRGINIA**

**RESOLUTION NO. 16-10-02**

**PRESENTED:**

**October 11, 2016**

**ADOPTED:**

**October 11, 2016**

**A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE**

**WHEREAS,** the Town Council desires to amend the Zoning Ordinance to lower the maximum heights allowed in the C-4 Zoning District under various conditions; and

**WHEREAS,** the Town Council desires to amend the Zoning Ordinance to add tree preservation requirements, to increase the quantity and quality of required tree and vegetative plantings within the Town's Stream and Creek Buffer, and to increase the required quantity and quality of tree and vegetative plantings on non-residential properties; and

**WHEREAS,** in addition to increasing the quantity and quality of required tree and vegetative plantings as stated above, the Town Council desires to wholly review and amend Articles 7 and 14 of the Zoning Ordinance, which govern Landscaping, Buffering, Open Space, and Stream and Creek Buffers, in order to remove ambiguities, reflect state code requirements, and clarify existing language; and

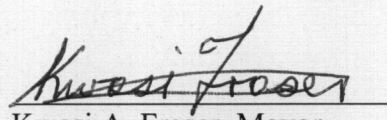
**WHEREAS,** under authority granted by Va. Code 15.2-2209, the Town Council desires to adopt a schedule of civil financial penalties that will be imposed for violations of the Zoning Ordinance.

**A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 7 (LANDSCAPING, BUFFERING, AND OPEN SPACE REGULATIONS), ARTICLE 14 (STREAM AND CREEK BUFFER), ARTICLE 4 SECTION 9.8 (C-4 CENTRAL COMMERCIAL DISTRICT, HEIGHT STANDARDS), AND ARTICLE 11, SECTION 17 (VIOLATION AND PENALTIES) OF THE ZONING ORDINANCE**

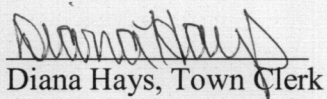
**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Purcellville that:

1. The public necessity, convenience, general welfare, and good zoning practice require consideration of these proposed amendments to the Zoning Ordinance, which are hereby initiated and referred to the Planning Commission, to be considered and acted upon in the following order:
  - a. Tree Planting, Tree Preservation, Landscape, and Stream & Creek Buffer Amendments to Article 7 and Article 14
  - b. C-4 District Height Standard Amendments to Article 4, Section 9.8
  - c. Civil Financial Penalties Amendments to Article 11, Section 17
2. As to each amendment, the Planning Commission shall present to the Town Council its recommendations prior to holding a public hearing, and will take into consideration any comments from Town Council. Thereafter, the Planning Commission shall hold a public hearing and may make appropriate changes to the proposed ordinance or amendment as a result of the hearing. Finally, the Planning Commission will present the proposed amendment to the Town Council together with its recommendations and explanatory materials.
3. The Town Council authorizes the Planning Commission to present the proposed amendments to Town Council more than 100 days after this resolution is adopted.

**PASSED THIS 11<sup>th</sup> DAY OF OCTOBER, 2016.**

  
Kwasi A. Fraser, Mayor  
Town of Purcellville

**ATTEST:**

  
Diana Hays, Town Clerk

# PROPOSED C-4 DISTRICT HEIGHT STANDARDS FOR PLANNING COMMISSION PUBLIC HEARING

The following Articles and Sections of the *Zoning Ordinance for the Town of Purcellville, Virginia* would be amended to add all underlined text and to remove all strikethrough text as follows:

## ARTICLE 4. - DISTRICT REGULATIONS

### Section 9. - C-4 Central commercial district.

...

#### *9.8 Height standards.*

Buildings may be erected up to a maximum of three stories and 45 feet in height except provided that:

~~1a.~~ Any business building or part of such building which is located within ~~50~~200 feet of any residential district shall not exceed a maximum of two stories and ~~30~~35 feet in height.

~~2b.~~ A public or semi-public building such as a school, church, or library, may be erected to a maximum height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 50 feet. ~~ny building may be erected to a height of 60 feet provided that the front façades of the building above 35 feet shall be set back at least ten additional feet from the front façade or front property line, whichever is greater distance from the public street.~~

~~3.~~ ~~Notwithstanding the provisions of Section 9.8.2., for properties in common ownership that abut North 21st Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50 percent of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than ten feet behind the front façade may be a maximum of 75 feet in height.~~

~~For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.~~

~~4c.~~ Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to a maximum of four ~~4~~ feet above the height of the building on which the walls rest.

~~5.~~ ~~The zoning administrator may grant an administrative modification of these height limitations upon recommendations of the board of architectural review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~



## Excerpt of Ordinance 08-08-03

- a. that not more than one row of parallel or angled parking is permitted in the front yard if the sidewalk is between such parking and any new principal structure and such parking directly abuts an approved public street without any intervening open space or physical improvements, and
  - b. existing areas of existing parking lots are exempt from this provision.
  - c. one expansion of not more than nine (9) new parking spaces to an existing parking lot is exempt from these provisions.
6. The front façade of the principal structure must extend across at least 50% of the lot width at the front setback, unless less frontage is required due to required driveway access or to preserve existing vegetation. The front façade must enclose a full height, habitable interior space. However, existing parcels with existing principal structures and front lot widths of more than 80 feet at the time of adoption of these standards, need only have front facades across 35% of the front lot width. Properties to the north of the W&OD trail shall be exempt from either of these requirements.
7. The Zoning Administrator may grant an administrative modification of these setback requirements upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.

### 9.7 Special regulations for business and commercial buildings.

1. Similar uses permitted. Other commercial, financial, professional, governmental, recreation, entertainment, cultural retail and service uses which, in the opinion of the administrator, are of the same general character as those permitted uses listed above, shall be permitted, provided that these and the above specified uses stores, shops or businesses shall be retail and service establishments primarily selling merchandise and rendering a personal service and shall be permitted only in accord with the development standards of this ordinance.
2. Enclosed buildings. Except as provided in the regulations for this district, all uses shall be conducted within completely enclosed buildings of permanent and durable construction, with no open storage of raw, in process, or finished products or material and supplies or waste material, except products on temporary display for sale. This provision does not preclude outdoor eating areas accessory to a permitted use.
3. Site plan. Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end shall provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 4.3. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting in accord with the requirements of this ordinance.
- 5.4. Drainage. Provision shall be made for proper stormwater drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable town ordinances.

### 9.8 Height standards.

Buildings may be erected up to three stories and 45 feet in height except provided that:

- a1. Any business building or part of such building which is located within 200 50 feet of any residential district shall not exceed two stories and 32 35 feet in height.
- b2. Any public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet provided that the front, side and rear yards facades of the building above 35 feet shall be set back at least ten additional feet from the front facade or the front property line, whichever is greater distance from the public street. shall be increased one foot for each foot in height over 50 feet."

3. ~~Notwithstanding the provisions of 9.8.2., for properties in common ownership that exceed an aggregate of two contiguous acres in size and that abut North 21<sup>st</sup> Street, the building height at the front façade or the front property line, whichever is the greater distance from the public street, may be up to 35 feet in height; and up to 50% of the width of the front façade may be up to 65 feet in height, and those portions of the building greater than 10 feet behind the front façade may be a maximum of 75 feet in height.~~

For adjacent properties in common ownership that exceed an aggregate of two contiguous acres in size located in the C-4 district that abut East "O" Street, the maximum building height is 65 feet.

- e.4. ~~The maximum roof pitch shall be no steeper than 12/12 and the maximum top gable peak shall not exceed 75 feet in height.~~
- d4. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
5. ~~The Zoning Administrator may grant an administrative modification of these height limitations upon recommendation of the Board or Architectural Review, which shall include a written explanation of how any such modification will better accomplish the purpose and intent of the district.~~

#### 9.9 Off-street parking and loading standards.

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

#### 9.10 Landscaping, screening and open space.

Regulations for landscaping, screening and open space are contained in Article 7."

### III. Article 4, Section 10 is hereby amended to add the underlined text and delete the strikethrough text as follows:

#### "Section 10. CM-1 Local service industrial district.

##### 10.1 Purpose of the district.

The purpose of this district is to provide for a wide variety of local and farm service industrial operations, including repair services, building supplies, and open or enclosed storage of products, supplies and equipment, but to restrict or prohibit those service industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district, in accord with the purposes and goals of the Comprehensive Plan. Limited manufacturing is also permitted, including open storage of products and materials. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, retail and business service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

##### 10.2 Permitted uses

A building or land shall be used only for the following purposes:

1. ~~Agriculture and forestry as permitted in the R-1 residential district.~~
- 34 1. Accessory buildings and uses, including but not limited to the following:
  - a. Any accessory use permitted in the R-1 residential district.
  - b. ~~Dwellings accessory to a farm of ten acres or more.~~
  - e b. Coin-operated vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and primarily for the use of occupants thereof.
  - d. ~~Retail and service facilities inside a principal building for the use of occupants thereof and occupants of other buildings in the industrial development. Retail and service~~





## **STAFF REPORT** **INFORMATION ITEM**

Item # 9a

**SUBJECT:** Status of Priority Work Items

**DATE OF MEETING:** May 4, 2017

**STAFF CONTACT:** Daniel Galindo, AICP – Senior Planner

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This report briefly summarizes any recent updates on the status of the Planning Commission's priority work items.

1. Comprehensive Plan Update – Staff is continuing to work on the plan as time allows. Staff spoke with members of the consulting team on April 19<sup>th</sup> and 21<sup>st</sup> regarding their proposal about the best use of the remaining budget for a fiscal impact component of the plan. Staff and the Planning Commission will discuss the status of the plan and other priority items at the May 4<sup>th</sup> meeting; the materials for this discussion will be provided in a supplemental agenda packet prior to the meeting.
2. OA16-04 Tree Preservation Regulations Zoning Ordinance Text Amendment – No change.
3. OA16-01 Stream and Creek Buffer Zoning Ordinance Text Amendment – A revised set of draft regulations prepared by the Town Attorney were reviewed and discussed by the Planning Commission at its April 20<sup>th</sup> meeting. The Commission has requested that Staff conduct additional research and bring this item back to a future Commission meeting. This research is ongoing.
4. OA16-05 Reduce Maximum Building Heights in the C-4 District Zoning Ordinance Text Amendment – The Planning Commission's public hearing on this draft amendment was held at the April 20<sup>th</sup> meeting. On April 25<sup>th</sup>, Staff prepared and mailed letters to the owners of property containing buildings that would become nonconforming if the amendment is adopted as it is currently written. This item is listed for action at the Commission's May 4<sup>th</sup> meeting.
5. OA16-06 Civil Penalties Zoning Ordinance Text Amendment – On April 25<sup>th</sup>, a consolidated document containing proposed modifications to, as well as comments and questions on, the draft regulations originally prepared by the Director of



Community Development was provided to the Town Attorney for review. This item will be brought back to a future Planning Commission meeting once a fully revised draft that has passed legal review has been prepared.

6. OA17-01 Definition of Duplex Dwelling Zoning Ordinance Text Amendment – No change.
7. Sign Regulations – No change.
8. Accessory Dwelling Standards – No change.
9. Legislative Applications
  - a. *CPA15-01 O'Toole Property (Designate as Mixed Use Commercial)* – On April 25<sup>th</sup>, Staff contacted the referral agencies that had yet to send review comments on this item to check on the status of their review. On the same day, at the applicant's request, Staff provided the applicant with the review comments that had already been received on the project's third submission.
  - b. *RZ15-02 O'Toole Property (X to MC)* – On April 25<sup>th</sup>, Staff contacted the referral agencies that had yet to send review comments on this item to check on the status of their review. On the same day, at the applicant's request, Staff provided the applicant with the review comments that had already been received on the project's third submission.
  - c. *SUP16-01 7-Eleven Fueling Station Expansion* – No change.
  - d. *CPA16-01 Village Case (Neighborhood Commercial & Institutional/Government to Residential)* – The applicant has requested to meet with Staff to discuss technical questions regarding the previously distributed review comments on the project's second submission. This meeting has been set for May 2<sup>nd</sup>.
  - e. *PCA16-01 Village Case (Commercial & Church to Single-family Detached Residential)* – The applicant has requested to meet with Staff to discuss technical questions regarding the previously distributed review comments on the project's second submission. This meeting has been set for May 2<sup>nd</sup>.
  - f. *SUP16-02 Virginia Regional Transit Commuter Parking Lot* – A public hearing for this item was held before Town Council at its April 25<sup>th</sup> meeting. Earlier that day, Councilmember Grim submitted a package of additional information to the Council regarding this application. Because this information had not been presented to the Planning Commission as part of its consideration of the application, Council voted to send this item back to the Planning Commission for further review. On April 26<sup>th</sup>, Staff asked the applicant how they would like to proceed, and Staff is awaiting their response.



- g. *SUP17-01 O'Toole Property Assisted Living Facility* – On April 25<sup>th</sup>, Staff contacted the referral agencies that had yet to send review comments on this item to check on the status of their review. On the same day, at the applicant's request, Staff provided the applicant with the review comments that had already been received on the project's first submission.
- h. *SUP17-02 Blue Ridge Veterinary Associates Kennel* – Notice of the application's acceptance was provided to Town Council at its April 25<sup>th</sup> meeting.

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**MINUTES**  
**PLANNING COMMISSION REGULAR MEETING**  
**MARCH 16, 2017, 7:00 PM**  
**TOWN HALL COUNCIL CHAMBERS**

**PRESENT:** Theresa Stein, Chairman  
Chip Paciulli, Vice Chairman  
Tip Stinnette, Planning Commissioner  
EJ Van Istendal, Planning Commissioner  
Britt Adkins, Planning Commissioner  
Kelli Grim, Planning Commission/Council Liaison

**ABSENT:** David Estey, Planning Commissioner

**STAFF:** Daniel Galindo, AICP, Senior Planner  
Tucker Keller, Planning and Zoning Technician

**CALL TO ORDER OF REGULAR MEETING:**

Chairman Stein called the Planning Commission Regular Meeting to order at 7:00 PM. The Pledge of Allegiance followed.

**AGENDA AMENDMENTS:**

Chairman Stein stated that item 8 will be discussed before item 7.

**COMMISSIONER DISCLOSURES:**

None

**PUBLIC HEARINGS:**

None

**PRESENTATIONS:**

None

**ACTION ITEMS:**

- a. SUP16-02 – Virginia Regional Transit Commuter Parking Lot

Eric Zicht came forward on behalf of the applicant and stated that Loudoun Transit has submitted materials which responded to questions from the Planning Commission. Mr. Zicht stated that the County has agreed to the sidewalks and the bike racks.

Mr. Zicht stated that the County expects to be in the new facility by 2022 or so and added that if the Town wanted to add a five year duration that they ask that it include a provision for an extension should the other facility fall behind.

In regards to limiting the number of buses, Mr. Zicht noted that Loudoun Transit did not respond to that question as they are trying to carry as many people as they can to the Silver Line. Mr. Zicht added that the cul-de-sac is an extra-large industrial cul-de-sac and that he designed it for this type of use.

In reference to the request about buses moving within the lot, Mr. Zicht noted that Loudoun Transit was silent about that but believes they do not mix buses with passenger traffic due to safety concerns.

Commissioner Van Istendal stated that he understands that the mitigating factors that the cul-de-sac can handle the traffic and has no issues with that however added his previous concerns were in response to citizen concerns and feels it was a reasonable suggestion to make the bus turnaround inside the lot. Commissioner Van Istendal added he is concerned that we're deducing that that is what they are thinking as opposed to reading a direct response and does not appreciate the omission on that part of the question because safety is paramount all around.

Commissioner Grim read written comments that were submitted by Robert Anderson. A copy of the comments are included with the meeting file in the Clerk's office.

Commissioner Paciulli addressed the issue read by Commissioner Grim and stated he would like to move this to Town Council for disapproval.

Commissioner Stinnette talked about the bus schedule and does not feel that there would be traffic early in the day or after 5:00 PM that would interfere with buses. Commissioner Stinnette talked further about getting the buses off of Main Street.

Commissioner Grim stated she feels the first priority is to the businesses and their employees. In reviewing other park-and-rides, Commissioner Grim stated that all of the pick-ups happen inside the parking lot. Commissioner Grim added that she cannot support it if they are not taking the buses inside the lot.

Commissioner Stinnette requested removing a portion of the motion because he disagrees with it.

Further discussion took place about screening and adding a condition to the motion. Dan Galindo explained the reason for the language.

Chairman Stein stated she is disappointed that it was specifically asked if the buses could go through the site and that was not addressed. Chairman Stein added that she does not have an issue with additional trees but that it is a bus parking lot already and that additional trees would not likely hide anything more. Chairman Stein added that the comprehensive plan supports having commuter facilities.

Chairman Stein summarized a motion for approval of the SUP with approval of the landscaping waiver. Chairman Stein made a recommendation that this be forwarded to the Town Council with a recommendation of approval with the following conditions:

1. That the applicant install the bike rack and lockers sufficient for the site
2. That the sidewalk be constructed

Chairman Stein stated she would accept a condition that a number of trees be planted along the property boundary. Commissioner Paciulli stated he sees three locations for additional trees: near the dumpster, where the parking lot angles, and the motorcycle spot on the right side.

Mr. Zicht stated that in five years the parking lot would go back to another use and that the property owner may not want asphalt removed for trees. Commissioner Paciulli stated that he understood but that it is an opportunity to add trees which would still help out in the future.

Daniel Galindo asked if the five year timeframe is the potential lease with Loudoun or a condition that the Commission would be setting. Mr. Zicht stated he could work with a condition if there was a provision that it could be extended for a couple of years.

Chairman Stein restated the proposed conditions:

1. That they would be in conformance with the concept plan
2. That they install bike racks and lockers
3. That they install and construct sidewalks
4. That they install additional trees along the southern border
5. A renewal mechanism is in place.

Commissioner Grim added that she may have considered a compromise if a plan was submitted that respected what the concerns are and cannot support it without the buses and pick up being inside of the parking lot.

Daniel Galindo clarified that the sidewalks would be near the islands on the north side of the building.

Chairman Stein made a motion for the reasons stated in the staff report dated March 16, 2017 that the Purcellville Planning Commission forward to Town Council with a recommendation to approve SUP16-02 allowing a commuter parking lot to be located at 408 and 412 Browning Court with the following conditions:

1. The use be developed as shown on the concept plan submitted with the application entitled "Virginia Regional Transit Commuter Parking Lot Special Use Permit SUP16-02 Concept Plan" prepared by Zicht and Associates PLC and dated January 12, 2017.
2. That the applicant shall install a standard size bike rack and lockers sufficient for the bike rack capacity.
3. The applicant shall construct a sidewalk in the area along the northern portion of the building.
4. An additional three trees are installed along the southern boundary.

Chairman Stein requested that these conditions be shown on the plan.

The motion was seconded by Commissioner Adkins.

Motion:	Chairman Theresa Stein
Second:	Commissioner Adkins
Carried:	4-2-1 Absent

Grim -	Nay
Stein -	Aye
Van Istendal -	Nay
Stinnette -	Aye
Paciulli -	Aye
Adkins -	Aye
Estey -	Absent

### **DISCUSSION ITEMS:**

#### **a. OA16-05 – Zoning Ordinance Text Amendment to Reduce Maximum Building Heights in the C-4 District**

Commissioner Paciulli stated he attended a BAR meeting to seek input on this item, and following the meeting they appointed a subcommittee which met. The recommendation from the meeting was to revise the zoning ordinance wording back to the wording of the prior ordinance as shown on page S-8 of the supplemental agenda packet. Commissioner Paciulli proposed that the Planning Commission authorize the public hearing process to reword the zoning ordinance section to the wording in the packet on page S-8.

Chairman Stein summarized that the existing language for building height would revert back to what was in existence prior to the amendment. Commissioner Paciulli noted one change made because a house in Town can be built up to 35 feet tall.

Chairman Stein noted that the current height is 60 feet and would be going back to a maximum height of 45 feet. Chairman Stein recommended that the language where it talks about “up to 3 stories” be eliminated and asked why both stories and heights would be regulated rather than just height.

Commissioner Grim stated she has concerns with the television antennas up to 125 feet in height being exempt from height regulations. Commissioner Paciulli stated he felt that was included because of state laws.

Daniel Galindo stated he would not recommend changing the “and” to “or” regarding the maximum number of stories and maximum height because it leaves the possibility of doing something that not everyone may like. Mr. Galindo encouraged the Commissioners to make good policy and to not make any new non-conformities if it can be avoided.

Chairman Stein stated she can do a red-line version incorporating comments and will send it to the Town Attorney for review.

**INFORMATION ITEMS:**

**a. Status of Priority Work Items**

Daniel Galindo stated that a Special Use Application was received for an assisted living facility as part of the O'Toole rezoning application.

Commissioner Grim stated she would forward an article about the water model which was based on original density.

Commissioner Stinnette asked for an update on the stream and creek buffer zoning ordinance. Chairman Stein stated that this item has been given to the Town Attorney's office for review and Daniel Galindo stated he hopes to have it at the next meeting.

Commissioner Grim stated that on March 20<sup>th</sup> the Tree and Environment Sustainability Committee will meet for the first time and will be looking at tree preservation and other regulations.

Commissioner Grim talked about civil penalties and stated she had gathered information from other municipalities, which she will forward to the Planning Commissioners, because the Town Attorney did not like the current draft based on Albemarle County. Daniel Galindo stated for clarification that the Town Attorney was the one that actually recommended Albemarle County's regulations.

**CITIZEN COMMENTS:**

None

**COUNCIL REPRESENTATIVE'S REPORT:**

Commissioner Grim stated the public hearing was held for the notice of proposed real property tax increase which was proposed and presented by the Town Manager at a maximum of .24 whereas last year's adopted rate is .22. Commissioner Grim noted that on March 22<sup>nd</sup> there is a special budget presentation meeting scheduled. Commissioner Grim stated that the Makersmiths lease was approved. Commissioner Grim noted the proceeds from the sale of the Mary's House of Hope property is being discussed as to where it should go as the majority of Council feel some it should go to the debt of the stormwater, maintenance, etc. and that it is currently in the General Fund. Commissioner Grim stated a sub-committee is forming to identify equitable policies for the use of the reservoir for recreational purposes. Commissioner Grim stated a pedestrian flag program will be implemented in the coming weeks at 21<sup>st</sup> Street and Main Street. Commissioner Grim stated that there are updates on telecommunication connectivity and capabilities that are being worked on, and that Council approved sports grant funding in the amount of \$5,200.

Commissioner Grim added that Council has approved a waste, fraud, abuse and mismanagement hotline and online reporting program, Ethical Advocate, which is the same program that the County has and will be used by Town staff and possibly by residents in the future. Commissioner Grim reminded the Commissioners about the FOIA program next week in Leesburg.

**CHAIRMAN'S COMMENTS:**

Chairman Stein stated that at the next public hearing she will limit the hearing to be used by the public to speak and that the Commission's comments will be taken during the discussion section.

**PLANNING COMMISSIONERS' COMMENTS:**

Commissioner Paciulli stated that he believes that the height issues and the stream set backs are in the Town's hands and asked if he should attend a Council meeting to ask for permission to review the accessory dwelling units. Commissioner Paciulli talked about developable property and private streets and that private streets provide for more flexibility in development of particularly odd shaped properties. Commissioner Paciulli talked about reviewing what the Tree and Environment Sustainability Committee would be working on in terms of collaborating with the Planning Commission.

Chairman Stein stated that the Planning Commission has a strategic plan and it includes accessory dwellings and that it sounds like Commissioner Paciulli would like to add two new items to it – private streets and landscaping. Commissioner Paciulli stated he could handle landscaping outside of the Planning Commission.

Daniel Galindo recommended staying with what is currently presented. Mr. Galindo added that Council approved a resolution to initiate a zoning text amendment for the definition of duplex which has been added to the list. In addition, the Mayor has requested a review of outdoor storage standards. Further discussion took place on private streets, duplexes and setbacks.

**APPROVAL OF MINUTES:**

Commissioner Stinnette made a motion to approve the minutes of the February 2, 2017 Regular Meeting, the February 2, 2017 Work Session and the February 16, 2017 Regular Meeting and waive reading. The motion was seconded by Commissioner Van Istendal and carried with one absent.

**ADJOURNMENT:**

With no further business, Chairman Stein made a motion to adjourn the meeting at 8:29 PM. The motion carried with one absent.



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Theresa Stein, Chairman

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Diana Hays, Town Clerk